

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ERIK MATTSO, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

NEW PENN FINANCIAL, LLC,

Defendant.

No. 3:18-cv-00990-YY

ORDER

HERNÁNDEZ, District Judge:

Magistrate Judge You issued an Amended Findings and Recommendation [35] on November 6, 2018, in which she recommends that the Court grant in part and deny in part Defendant's Motion to Strike and/or Dismiss [14] and deny as moot Plaintiff's Motion to File a Surreply [20]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Amended Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de*

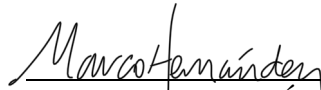
*novo. United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

### CONCLUSION

The Court ADOPTS Magistrate Judge You's Amended Findings and Recommendation [35]. The Court GRANTS in part and DENIES in part Defendant's Motion to Strike and/or Dismiss [14]. As described in the Findings and Recommendation, the motion to strike class allegations is denied without prejudice, and the motion to dismiss or strike the claim for an injunction, as set forth in section (e) of the Prayer for Relief, is granted. The Court also DENIES as moot Plaintiff's Motion to File a Surreply [20].

IT IS SO ORDERED.

DATED this 4 day of January, 2015

  
MARCO A. HERNÁNDEZ  
United States District Judge